

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of

Allocation of Spectrum Below
5 GHz Transferred from
Federal Government Use

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) ET Docket No. 94-32
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To: The Commission

REPLY COMMENTS

I, Mike Cheponis, respectfully submit the following Reply Comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 94-272, released November 8, 1994.

This NPRM proposes allocation of 50 MHz of spectrum that was identified by the Department of Commerce for transfer from Federal Government to private sector use.

1. The comments can be broken into 3 basic groups:

- a) Wireless local loop and airborne TV/Radio service (The "Hey, FCC, give these frequencies to *me!*" group)
- b) "Part 15" type commenters. ("Please keep things the way they are.")
- c) Amateur Radio Service comments & Others. ("The Service depends on these frequencies remaining available.")

2. I am in violent agreement with the comments of Apple Computer, Inc.

3. I also believe that these commenters provided good cases for their respective positions: Microsoft, IBM, Tetherless Access, Norand, Symbol, Western Multiplex, Advanced Micro Devices, Andrew, 3Com, Cylink, Cincinnati Microwave, EIA/CEG, Compaq, Digital Ocean, AT&T, IMPI, Metricom, National Research Council, Software Publishers Association, Part 15 Coalition, Rockwell International, Standard Microsystems, Windata, Xircom, WINForum, WHI, Arecibo Observatory, ARRL, AMSAT, SCRBA, NCPA, NARCC, to name a few.

These particular commenters make, in my judgement, an overwhelming case for keeping 2402-2417 MHz available for Part 15 use.

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4. On Auctions: Most believe auctions would do more harm than good for these frequencies. I agree.

5. Considering the Wireless Local Loop contingent, I find the Comments of Bell Atlantic, Southwestern Bell, TIA, TDS, USTA, SRT, PCIA, Rochester Tel, OPASTCO, US West, NYNEX, and Motorola¹ to be the most repugnant. They smack of innuendo, technical inaccuracies, and, well, untruths.

Having missed out on the cellular bonanza, they are trying to re-create PCS services in a different band. Now, unless I'm mistaken, hasn't the Commission already allocated spectrum for PCS? What are these companies trying to pull?

It's the same old, same old from the Telco boys: Gimme more frequencies, so we can deploy obsolete technology with antediluvian system design to provide low performance at high prices for their customers.

Clearly, the FCC is wiser than to be bitten by this ruse.

I am not suggesting that Wireless Local Loop is not an application that could use spectrum. What I am saying is that the 13 cm band is not the place for such systems.

In particular, I found the comments of Avant-Garde Telecommunications, Inc. (AGT) to be most enlightening. AGT notes that it currently offers wireless local loop service in the 38 GHz band, and AGT proposed to provide these interconnect services nationwide².

Therefore, the FCC should ignore requests to pair 2300-2310 and 2390-2400 for use as WLL for these reasons:

- a) It's already being done.
- b) The FCC has already allocated spectrum for PCS.
- c) There is no advantage to using these particular frequencies (Indeed, any truthful techie would tell you that higher frequencies would be better.)
- d) Telcos have a poor record of using Citizen's Property (the radio spectrum) in ways that maximally benefit American citizens.

¹ Yes, I understand that Motorola owns all the frequencies, but it would be helpful if they were just a wee bit less crass about it. (Note to the humor-impaired: I'm just kidding. I just don't see why comments have to be as dry as year-old Beef Jerky...)

² This is what happens when you get small, nimble entrepreneurial companies thinking about how to improve things. This is in sharp contrast to telcos, where the major motivator there appears to be to try to stay employed long enough to get a pension.

6. On in-flight services: Clearly, the 13 cm is a **very** poor technical choice. It would be much better to use higher microwave frequencies for many reasons, include larger available bandwidths (thereby serving the flying public with more choices) and greater frequency re-use.

Once again, I'm not saying that no spectrum should ever be allocated for in-flight services. Rather, I question if the 13cm band is the BEST choice for such systems³.

Conclusion

In Conclusion, I urge the FCC to allocate these frequencies as described in the Apple Computer, Inc. comments.

Respectfully Submitted,

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³ I also believe that people/machines **in motion** can more easily justify spectrum allocations than people/machines in fixed locations, simply because most people/machines in motion do not have the option of cabling to satisfy their electronic communications requirements.

This is also why I remain amazed at the vast wasteland of frequencies that remain, oddly, allocated to TV channels 2-69. But that's another matter.